IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.4717 of 2006
Date of Decision:06.03.2007

M/s Vyas Exports, Ludhiana

.....Petitioner

Vs.

Joint Director General of Foreign Trade, Ludhiana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Jagmohan Bansal, Advocate for the petitioner.

Mr. Sanjeev Kaushik, Advocate for the respondents.

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M.M.KUMAR, J.

The prayer made in this petition filed under Articles 226 and 227 of the Constitution of India is for quashing order dated 14.12.2005 (Annexure P.4) passed by the Additional Director General of Foreign Trade (respondent No.2) under proviso to Section 15 read with Section 13 of the Foreign Trade (Development and Regulation) Act, 1992.

After hearing learned counsel for the parties, we quash order dated 14.12.2005 (Annexure P.4) in view of the fact that the Settlement Commissioner has now passed a detailed order dated 5.2.2007 (Annexure A.1) with C.M. No.3580 of 2007 granting full immunity to the petitioner from penalty and prosecution under the Customs Act, 1962.

We, however, remand the matter back to the Additional Director General of Foreign Trade to reconsider the matter afresh in view of the later development and proceed in accordance with law.

The writ petition is disposed of in the manner indicated above.

(M.M.KUMAR)
JUDGE

March 06, 2007 **(RAJESH BINDAL)**
renu **JUDGE**